



Docket No.: 194539US2

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

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RE: Application Serial No.: 09/782,064

Applicants: Tetsuro MOTOYAMA, et al.

Filing Date: February 14, 2001

For: OBJECT-ORIENTED METHOD AND SYSTEM OF
REMOTE DIAGNOSTIC, CONTROL AND
INFORMATION COLLECTION USING MULTIPLE
FORMATS AND MULTIPLE PROTOCOLS

Group Art Unit: 2176

Examiner: TRAN, QUOC A

SIR:

Attached hereto for filing are the following papers:

REPLY BRIEF

Our online credit card payment in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

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DOCKET NO: 194539US

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
TETSURO MOTOYAMA, ET AL. : EXAMINER: TRAN, QUOC A
SERIAL NO: 09/782,064 :
FILED: FEBRUARY 14, 2001 : GROUP ART UNIT: 2176

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REPLY BRIEF

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SIR:

In response to the Examiner's Answer dated August 1, 2007, Applicants wish to provide the following reply.

Regarding the rejection of Claim 1 under 35 U.S.C. § 103, the Examiner's Answer maintains that U.S. Patent No. 5,414,494 to Aikens et al. (hereinafter "the '494 patent") discloses "receiving, from a first one of the plurality of target applications through an interface, by a monitoring device in the appliance or device, a request to send first information regarding monitored usage of the first one of the plurality of target applications to a first predetermined destination," as recited in Claim 1. Specifically, the Examiner relies on Figure 2 of the '494 patent as disclosing this limitation.

However, it remains unclear to Applicants how the Office is equating the claimed elements with those disclosed by the '494 patent. Specifically, the above limitation in Claim

1 recites (1) an appliance or device; (2) a plurality of target applications; (3) an interface; (4) a monitoring device; and (5) a first predetermined destination. Further, the above limitation and the preamble of Claim 1 make clear that the monitoring device and the plurality of target applications are in the claimed appliance or device.

Applicants acknowledge that Figures 1 and 2 illustrate an appliance or device.

Page 3 of the Examiner's Answer asserts that the printed wiring boards 102, 104, and 106 read on the claimed plurality of target applications.

Page 4 of the Examiner's Answer asserts that the printed wiring board 108, which controls the user interface 36, is a "master controller" and reads on the first predetermined destination.

Although not explicitly stated, Applicants' presume that the Examiner's Answer is equating the user interface 36 with the claimed interface.

However, *the Examiner's Answer does not specifically identify the claimed monitoring device in the claimed appliance or device.*

Moreover, using the mapping of the elements set forth in Examiner's Answer, the following functionality would be required to be disclosed by the '494 patent:

the monitoring device (not identified) receives a request from one of the printed wiring boards 102, 104, and 106 (say, board 102) through the user interface 36 to send information regarding monitored usage of wiring board 102 to the wiring board 108.

In other words, a request must be sent from board 102 *via the user interface 36* to an unidentified monitoring device in the printer. Further, the request must be a request for board 102 to send particular information to board 108. As discussed below, such a request is clearly not disclosed by the '494 patent.

As set forth in the Appeal Brief, Applicants respectfully submit that the '494 patent does not disclose a request going from the board 102, through the user interface, to a

monitoring device that is in the appliance or device. The user interface is used to receive user commands and to display information, not to receive requests from the wiring boards.

Moreover, the claimed monitoring device has not been identified in the '494 patent. Further, Applicants respectfully submit that the '494 patent fails to disclose any request for board 102 to send information regarding monitored usage of board 102 to board 108. The Examiner's Answer does not identify how the '494 patent discloses that board 102 sends information on monitored usage of board 102 to board 108.

In the Examiner's Answer, the support for such a tortured interpretation of the '494 patent is that "[i]n order for item 36 and 52 of Aikens...to monitor accordingly, communication commences between said interface, the master control, and the various control board applications...utilizing communication channel 98, said information comprising monitoring (i.e. usage) information."¹ The Examiner's Answer does not cite to a specific passage in the '494 patent that clarifies what the content of the "communication" is, who sends the "communication," who receives the "communication," and how the "communication" relates to the claimed request and the specific elements recited in Claim 1. Further, as discussed above, the Examiner's Answer does not identify the claimed monitoring device that receives the request.

As set forth in the Appeal Brief, Further, Claim 1 requires that one of the target applications send a request to a monitoring device in the application or device, wherein the request is a request to send information regarding monitored usage of the one target application to a first destination. Thus, in Claim 1, it is the target application itself that initiates the request to send information regarding monitored usage of that target application. In contrast, the '494 patent allows a user to select certain triggering conditions via a graphical user interface. However, the '494 patent does not disclose that a particular application or

¹ See page 4 of the Examiner's Answer. Emphasis added.

component within the '494 copier sends a request to send information regarding monitored usage of that component or application to a monitoring device in the '494 copier. Rather, the '494 patent discloses that information is automatically sent upon the occurrence of certain events, and that no requests to send monitored information are initiated by a target application within the copier, as required by Claim 1.

In the Examiner's Answer, on pages 23 and 25, the Examiner notes that Applicants' argument that "it is the target application itself that initiates the request to send information regarding monitored usage of that target application" is not "positively recited in the claim language." However, Applicants respectfully submit that language of Claim 1 makes clear that the request comes from one of the target applications and that the request is a request to send information regarding monitored usage of the one of the target applications. Thus, Applicants submit that it is accurate to state that, in the invention of Claim 1, "it is the target application itself that initiates the request to send information regarding monitored usage of that target application."

Further, U.S. Patent No. 5,956,487 to Venkatraman et al. (hereinafter "the '487 patent") is relied upon by the Examiner's Answer as disclosing the claimed "first communication protocol using a first data format." Specifically the Examiner's Answer asserts that the '487 patent discloses the HTTP protocol and the HTML "format." However, it is unclear to Applicants how the teachings of the '487 patent can be combined with those of the '494 patent. The Examiner asserts that, in the '494 patent, the monitored information is sent from the board 102 to the board 108. In combination with the teachings of the '487 patent, such communication would have to be performed via the HTTP protocol using HTML files. However, board 108 is used to control the user interface, not to receive HTML files via HTTP from board 102. Moreover, the '487 patent discloses that HTTP is used to communicate between the web server device and the web browser computer to over a

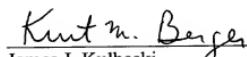
network. The '487 web server device and web browser computer are not in an appliance or device, as is required by the Examiner's interpretation of the '494 patent.

Thus, as set forth in more detail in Applicant's Appeal Brief, no matter how the teachings of the '454, '487, and '135 patents are combined, the combination does not teach or suggest receiving, from a first one of plurality of target applications, though an interface, by a monitoring device in an appliance or a device, a request to send first information regarding monitored usage of the first one of the plurality of target applications to a first predetermined destination through a first communication protocol using a first data format, as recited in Claim 1. Accordingly, Applicants respectfully submit that a *prima facie* case of obviousness has not been established and that the rejection of Claim 1 should be withdrawn.

For the foregoing reasons, Applicants respectfully submit that the outstanding rejections must be REVERSED.

Respectfully submitted,

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